

APPEAL

Petition for Special Hearing
N/S of Frederick Road, 232.5' W of the W/S of Nunery Lane
(6324 Frederick Road)
1st Election District - 1st Councilmanic District
Edgar V. Loweree, Jr., et al - Petitioners
Case No. 87-65-SPH

Petition for Special Hearing
Description of Property
Certificates of Posting
Certificates of Publication
Entry of Appearance of People's Counsel
Zoning Plan Advisory Committee Comments
Director of Planning & Zoning Comments
Petitioner's Exhibits: 1 - Plat of Property
2 - Affidavit
3 - Letter from Delegate Nancy L. Murphy dated August 13, 1986
Zoning Commissioner's Order dated April 29, 1987
Letter of Appeal received June 1, 1987 from Mrs. Patricia A. Einstein

Mr. Edgar V. Loweree, Jr., Messrs. John C. & Millard E. Gilbert, Petitioners
2415 North Rolling Road, Baltimore, Md. 21207

Mrs. Patricia A. Einstein, Protestant, and Harold L. Einstein
6300 Frederick Avenue, Baltimore, Maryland 21204

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Maryland 21204
out - Referred to Law by PC 4-30-87

10/13/87
Zoning Commission
People's Counsel
for Baltimore County
Arnold Jablon
Zoning Commissioner

Request Notification: Norman E. Gerber, Director of Planning
James Howell, Office of Planning & Zoning
Arnold Jablon, Zoning Commissioner
Jean M. H. Jung, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Margaret E. Dubois, Pocket Clerk

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

June 1, 1987



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Special Hearing
N/S Frederick Road, 232.5' westerly from W/S of Nunery Lane
(6324 Frederick Road)
Edgar V. Loweree, Jr., et al - Petitioners
Case No. 87-65-SPH

Dear Board:

Please be advised that on June 1, 1987 an appeal of the decision rendered in the above-referenced case was filed by Mrs. Patricia A. Einstein.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:bjs

cc: Mr. Edgar V. Loweree, and Messrs. John C. & Millard E. Gilbert
2415 North Rolling Road, Baltimore, Md. 21207

Mrs. Patricia A. Einstein
6300 Frederick Avenue, Baltimore, Md. 21228

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223
Towson, Maryland 21204

File

IN RE: PETITION SPECIAL EXCEPTION * BEFORE THE
N/S of Frederick Road, 232.5' * ZONING COMMISSIONER
W of the W/S of Nunery Lane * OF BALTIMORE COUNTY
(6324 Frederick Road) *
1st Election District *
Edgar V. Loweree, Jr., et al., * Case No. 87-65-SPH
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request confirmation of a nonconforming use for a two-apartment dwelling, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Mr. and Mrs. Harold Einstein, neighbors, appeared in opposition.

The hearing was initially held on August 25, 1986, at which time the Petitioners were unable to present sufficient evidence to provide a basis to conclude that the two-apartment dwelling has existed from 1954 to the present without voluntary abandonment. The Petitioners presented an affidavit signed by Dennis W. McElgunn, Petitioners' Exhibit 2, which purported to establish the existence of the two apartments at the subject location from 1954 to 1965. Mr. Einstein testified that he moved to the neighborhood in 1965 and does not believe that the two apartments have existed continuously since that time.

The hearing was continued in order to allow the Petitioners time to gather additional evidence to prove their case. At the continued hearing on April 22, 1987, the Petitioners presented Mr. McElgunn, who testified that his family moved next door to the subject property, located on Frederick Road and zoned D.R.10.5, in or around November, 1953. He can personally attest that the original owner of the subject property converted the dwelling into two

ORDER RECEIVED FOR FILING
Date April 29, 1987
By [Signature]

ORDER RECEIVED FOR FILING
Date April 29, 1987
By [Signature]

apartments in early 1954 and that they continued uninterruptedly until he went into the military in 1965. His mother still lives there, and to the best of his knowledge, they have continued uninterruptedly during that time. The Petitioners purchased the property in 1983. At the time of the purchase, their realtor, Delegate Nancy L. Murphy, told them that she had sold this property years before as a two-apartment dwelling. See Petitioners' Exhibit 3.

Mr. Einstein testified that Mr. McElgunn's mother and others in the community had told him that the site had not always been a two-apartment dwelling. Additionally, Mrs. Einstein testified about the adverse impact multi-family dwellings have on a community but admitted she did not know whether or not the subject property had been used continuously as a two-apartment dwelling since moving to the neighborhood.

The Petitioners seek relief pursuant to Sections 104.1 and 500.7, Baltimore County Zoning Regulations (BCZR).

Although the testimony and evidence presented by the Petitioners were not overwhelming to say the least, the burden of proof necessary is preponderance of the evidence, not proof beyond a reasonable doubt. If one simply weighs the evidence presented, it is by the skin of the Petitioners' proverbial teeth that they will prevail here today. It would be Mr. McElgunn's personal testimony that tips the scales to that 51% necessary for preponderance of the total evidence and testimony presented in favor of the Petitioners. Scarce as it may be, it is enough for the Petitioners to prevail.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the approval prayed for should be granted.

- 2 -

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 29th day of April, 1987, that a nonconforming use for a two-apartment dwelling be approved and, as such, the Petition for Special Hearing is hereby GRANTED from and after the date of this Order.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. Edgar V. Loweree, Jr.

Mr. & Mrs. Harold Einstein

People's Counsel

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 7, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 7, 1986.

THE JEFFERSONIAN,

[Signature]

Publisher
Cost of Advertising

24.75

PETITION FOR
SPECIAL HEARING
1st Election District
Case No. 87-65-SPH
LOCATION: North Side of Frederick Road, 232.5 feet Westerly from West Side of Nunery Lane (6324 Frederick Road)
DATE AND TIME: Monday, August 25, 1986, at 12:00 noon
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing. Petition for Special Hearing for a nonconforming use for a two-apartment dwelling. Being the property of Edgar V. Loweree, Jr., et al., as shown on plat plan filed with the Zoning Office. In the event that the Petitioners are granted a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of and permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order of
ARNOLD JABLON
Zoning Commissioner
of Baltimore County
6011 Aug 7

ORDER RECEIVED FOR FILING
Date April 29, 1987
By [Signature]

PETITION FOR SPECIAL HEARING

1st Election District

Case No. 87-65-SPH

LOCATION: North Side of Frederick Road, 232.5 feet Westerly from West Side of Nunery Lane (6324 Frederick Rd.)

DATE AND TIME: Monday, August 25, 1986, at 12:00 noon

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing for a nonconforming use for a two-apartment dwelling

Being the property of Edgar V. Loweree, Jr., et al., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
N/S Frederick Rd., 232.5' :
Westerly from W/S of Nunery : OF BALTIMORE COUNTY
La. (6324 Frederick Rd.) :
1st District :
EDGAR V. LOWEEREE, JR., et al., : Case No. 87-65-SPH
Petitioners : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 31st day of July, 1986, a copy of the foregoing Entry of Appearance was mailed to Edgar V. Loweree, Jr., Millard E. Gilbert, Jr., and John C. Gilbert, Petitioners, 2415 N. Rolling Rd., Baltimore, MD 21228.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

John C. Gilbert
Millard E. Gilbert
Edgar V. Loweree, Jr.
504 Seminole, Ave.
Baltimore, Md. 21228

June 12, 1986

Baltimore County
Zoning Enforcement Section
Towson, Md. 21204

Re: Case No. C-86-974
6324 Frederick Rd.
1st Election District

Dear Zoning Commissioner of Baltimore County:

I John C. Gilbert on behalf of myself and the owners of 6324 Frederick Rd. Catonsville, Md. 21228 are petitioning for a special hearing so as to obtain a non-conforming use for 2 apts. on said property. Apparently, the occupant of 6322 Frederick Rd. thought we were going to install a third apt. and called zoning. The inspector felt we were in violation for 2 apts. much less 3 apts. Mrs. List's son Dennis W. McElgunn recalled his childhood there and being active with the 2nd floor tenant's grandson. This was when they first purchased their house.

Sincerely,

[Signature]
John C. Gilbert

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Dennis W. McElgunn
AFFIANT (Handwritten Signature)
Dennis W. McElgunn
649 Myers Dr. 21228
AFFIANT (Printed Name)

I have personal knowledge that the home located at 6324 Frederick Rd. Catonsville Md. 21228
(Address)
has been occupied as a two apartment dwelling since December, 1953. I also have personal knowledge that all apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since Dec, 1953. This personal knowledge is based upon: My living at 6322 Frederick Rd for 12 yrs - (Nov 1953 - July 1965) with my parents.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 12 day of May, 1986, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Dennis W. McElgunn, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Richard R. Baker
NOTARY PUBLIC
My Commission Expires: July 1, 1986

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

J.R. D. Carpenter
AFFIANT (Handwritten Signature)
J.R. D. CARPENTER
AFFIANT (Printed Name)

I have personal knowledge that the home located at 6324 Frederick Rd. Catonsville Md. 21228
(Address)
has been occupied as a two apartment dwelling since April, 1977. I also have personal knowledge that all apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since April, 1977. This personal knowledge is based upon: I HAVE LIVED AND OWNED 6310 FREDERICK RD. CATONSVILLE MD 21228 SINCE APRIL 1977 AND HAVE PERSONAL KNOWLEDGE OF THE APARTMENTS.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 9th day of October, 1987, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared J.R. D. Carpenter, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

John E. Shea
NOTARY PUBLIC
BALTIMORE COUNTY MD

NOTARY PUBLIC
My Commission Expires: July 1, 1990

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Vera M. Mitchell
AFFIANT (Handwritten Signature)
VERA M. MITCHELL
AFFIANT (Printed Name)

I have personal knowledge that the home located at 6324 Frederick Rd. Catonsville Maryland
(Address)
has been occupied as a two apartment dwelling since January, 1964. I also have personal knowledge that all apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since that time. This personal knowledge is based upon: my having lived in the same block since 1937 at 6304 Frederick Road, Catonsville, Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of October, 1987, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Vera M. Mitchell, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

John E. Shea
NOTARY PUBLIC
BALTIMORE COUNTY MD

NOTARY PUBLIC
My Commission Expires: July 1, 1990

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Betsy Lynn Carpenter
AFFIANT (Handwritten Signature)
Betsy Lynn Carpenter
AFFIANT (Printed Name)

I have personal knowledge that the home located at 6324 Frederick Rd. Catonsville Md. 21228
(Address)

has been occupied as a two apartment dwelling since June, 78. I also have personal knowledge that all apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since June, 78. This personal knowledge is based upon:

I purchased 6308 June 2, 1978 because it was already established as two apartments, as were many other houses on the block. I was aware that J.C. also had 2 apartments.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of October, 1987, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Betsy L. Carpenter, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

John E. Shea
NOTARY PUBLIC
My Commission Expires: 7-1-90

Rev. 12/12/85 - nr

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

John E. Shea
AFFIANT (Handwritten Signature)
John E. Shea
AFFIANT (Printed Name)

I have personal knowledge that the home located at 6324 Frederick Rd. Catonsville Md.
(Address)
has been occupied as a two apartment dwelling since January, 65. I also have personal knowledge that all apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since January, 65. This personal knowledge is based upon: From cutting grass of properties 6320, 6322, 6324 and 6326 plus snow removal I believe that 6324 has always been two apartments. I also have lived at 6304 Frederick Rd for 32 years

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 12th day of October, 1987, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared John E. Shea, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

John E. Shea
NOTARY PUBLIC
My Commission Expires: July 1, 1990

PATUXENT Publishing Corp

10750 Little Patuxent Pkwy
Columbia, MD 21044

August 18 19 86

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR SPECIAL EXCEPTION

was inserted in the following:

☒ Catonsville Times
☐ Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 3 day of August 19 86, that is to say, the same was inserted in the issues of

August 7, 1986

PATUXENT PUBLISHING CORP.

By [Signature]

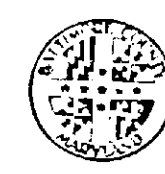
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

VS.

Defendant

CERTIFICATE OF PUBLICATION OF



ARNOLD JADLON
ZONING COMMISSIONER

Mr. John C. Gilbert
2415 North Rolling Road
Baltimore, Maryland 21207

RE: PETITION FOR SPECIAL HEARING
N/S Frederick Rd., 232.5' W from W/S of Nunery
La. (6324 Frederick Rd.)
1st Election District - 1st Councilmanic District
Edgar V. Loweree, Jr., et al - Petitioners
Case No. 87-65-SPH

Dear Mr. Gilbert:

This is to advise you that \$15.00 is due for ~~XXXXXX~~ posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
Arnold Jadlon
Zoning Commissioner

AJ:med

Mr. Edgar V. Loweree, Jr.
Mr. Millard E. Gilbert, Jr.
Mr. John C. Gilbert
2415 North Rolling Road
Baltimore, Maryland 21207

April 6, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
N/S Frederick Rd., 232.5' W from W/S of Nunery
La. (6324 Frederick Rd.)
1st Election District - 1st Councilmanic District
Edgar V. Loweree, Jr., et al. - Petitioners
Case No. 87-65-SPH

TIME: 11:15 a.m.

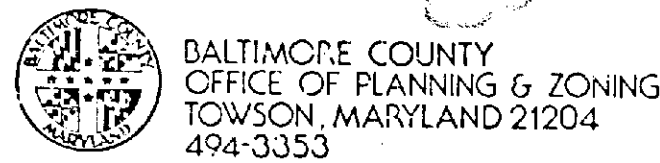
DATE: Wednesday, April 22, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

AJ:med

cc: Mr. Harold Einstein
6300 Frederick Road
Baltimore, Maryland 21228



ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 20, 1986

Mr. John C. Gilbert
2415 North Rolling Road
Baltimore, Maryland 21207

RE: PETITION FOR SPECIAL HEARING
N/S Frederick Rd., 232.5' W from W/S of
Nunnery Ln. (6324 Frederick Rd.)
1st Election District
Edgar V. Loweree, Jr., et al - Petitioners
Case No. 87-65-SPH

Dear Mr. Gilbert:

This is to advise you that \$59.65 is due for advertisin
and posting of the above property. This fee must be paid before an
Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON
THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by
this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit
to Zoning Office, Room 113, County Office Building, Towson, Maryland
11204, before the hearing.

Sincerely,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ:med

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 21204

DATE 8-20-86 ACCOUNT 01-615-000
AMOUNT \$ 59.65
RECEIVED FROM Edgar V. Loweree, Jr., et al
FOR: Advertising and Posting Case 87-65-SPH
VALIDATION OR SIGNATURE OF CASHIER

Mr. Edgar V. Loweree, Jr.
Mr. Willard E. Gilbert, Jr.
Mr. John C. Gilbert
2415 North Rolling Road
Baltimore, Maryland 21207

July 18, 1986

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
N/S Frederick Rd., 232.5' Westery
from W/S of Nunnery Ln.
(6324 Frederick Rd.)
1st Election District
Edgar V. Loweree, Jr., et al
Case No. 87-65-SPH

TIME: 12:00 noon - 3:00 P.M.

DATE: Monday, August 25, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

Arnold Jablon
Zoning Commissioner
of Baltimore County

AJ:med

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 020843

DATE 6/13/86 ACCOUNT 01-615
AMOUNT \$ 100.00
RECEIVED FROM JOHN GILBERT
FOR: SPECIAL HEARING PETITION
VALIDATION OR SIGNATURE OF CASHIER

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

LIGEP6482 743277

This Deed, Made This

day of
in the year one thousand nine hundred and EIGHTY-THREE by and between
SHAN M. BRADLEY, of the State of Maryland, and SUE R. BRADLEY, of the State of
Florida, parties of the FIRST PART, and ELSIE LERNER, Administrator of the Estate
of DANIEL S. LERNER, of the State of New York, party of the SECOND PART,
and JOHN C. GILBERT, WILLARD E. GILBERT and EDGAR V. LOWEEREE, JR.
parties of the THIRD PART.

THIRD
of the SECOND PART.

Witnesseth, That in consideration of the sum of FOR-Y SEVEN THOUSAND AND 00/100
(\$47,000.00) DOLLARS,

the said PARTIES OF THE FIRST PART AND PARTY OF THE SECOND PART

do grant and convey to the said PARTIES OF THE THIRD PART, AS TENANTS IN COMMON,
THEIR HEIRS,

personal representatives, and assigns, in fee simple, all
THAT lot of ground situate in BALTIMORE COUNTY, STATE OF MARYLAND
and described as follows, that is to say:

BEGINNING for the same on the north side of Frederick Road at the distance of two
hundred thirty-two feet, six inches westerly from the west side of Nunnery Lane,
and at the centre of the partition wall there situate; and running thence west binding
on the north side of Frederick Road fifteen feet six inches to the centre of the
partition wall there situate; thence north and through the centre of said last
mentioned wall one hundred fifteen feet to the south side of a fifteen foot alley
there situate; thence east binding on the south side of said fifteen foot alley,
with the use thereof in common, fifteen feet six inches; thence south and through
the centre of the partition wall first herein mentioned one hundred fifteen feet
to the place of beginning. The improvements thereon being known as No. 6324
Frederick Avenue.

BEING the same property which by Deed dated June 13, 1975 and recorded among the
Land Records of Baltimore County in Liber 5538, folio 259 was granted and conveyed
by Marguerite Lackey (formerly known as Wenonah Marguerite Reinhardt) unto
Shan M. Bradley, Sue R. Bradley and Daniel S. Lerner. The said Daniel S. Lerner
has since departed this life on or about the 27 day of October, 1977.
See Estate No. 202655 filed in the records of the Surrogate's Court in and for the
County of Nassau, State of New York, wherein Elsie Lerner was appointed Administrator
of the Estate of Daniel S. Lerner.

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
NOT APPLICABLE
SIGNATURE DATE
CLERK DATE

8 8080*****70500** 22624

To: Arnold Jablon
Zoning Commissioner
Baltimore County

We would like to appeal Case No. 87-65-SPH,
Edgar V. Loweree, Petitioner, 6324 Frederick Rd.

Harold L. Epstein
Patricia A. Epstein
6300 Frederick Rd.
Baltimore, Md. 21228

RECEIVED
JUN 1 1987

ZONING OFFICE

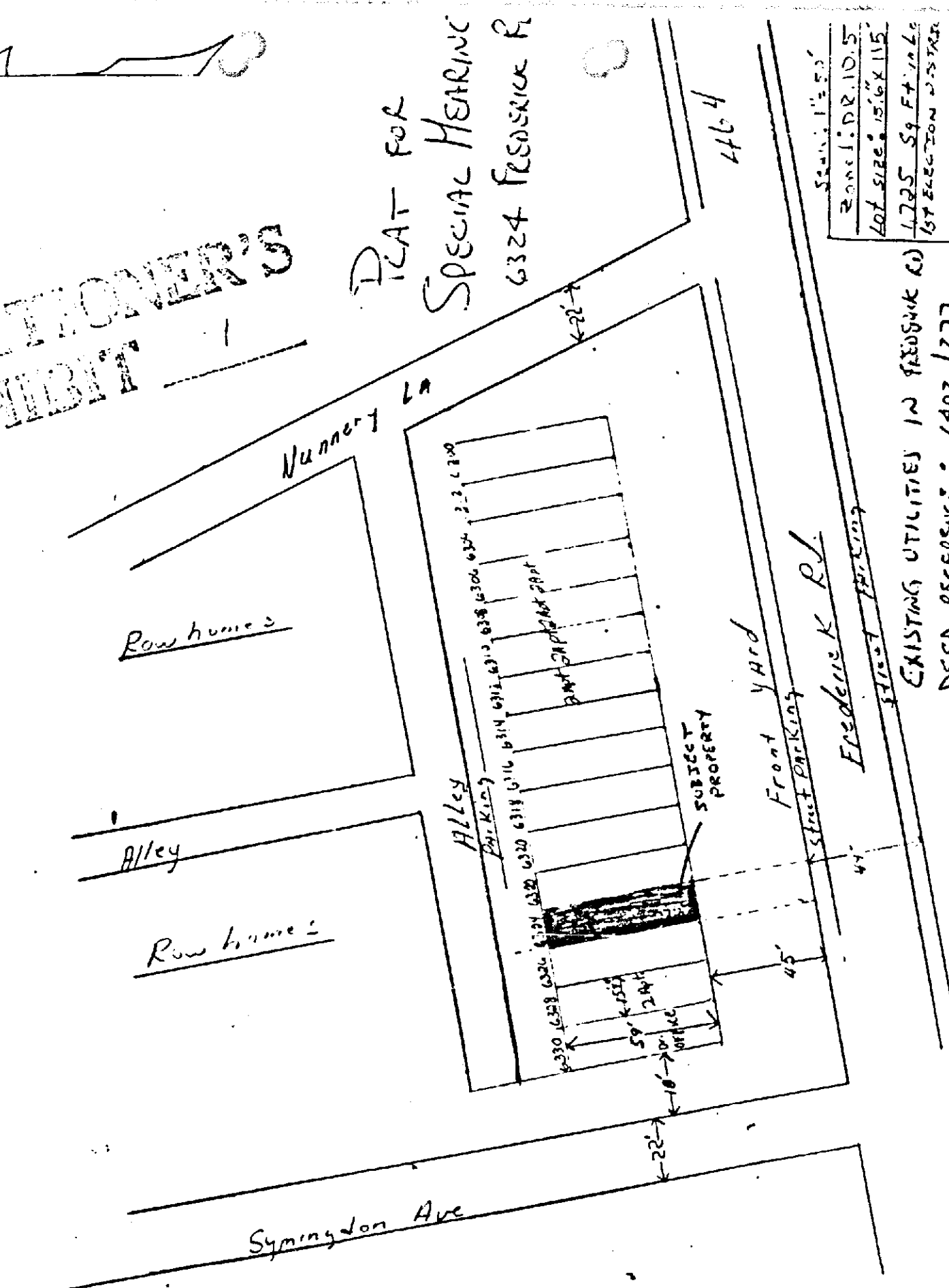
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 33137

DATE 5/1/87 ACCOUNT 01-615-000
AMOUNT \$ 20.00
RECEIVED FROM Patricia A. Epstein, 6300 Frederick Rd., 21228
(photostat)
FOR: Arnold Jablon & Patricia A. Epstein Case #87-65-SPH
VALIDATION OR SIGNATURE OF CASHIER

PETITIONER'S
EXHIBIT

Edgar V. Loweree, Jr.
Willard E. Gilbert
John C. Gilbert



87-65-SPH

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 87-65-SPH, 87-67-SPH and 87-72-SPH

Date: July 21, 1986

In view of the subject of these petitions, this office offers no
comments.

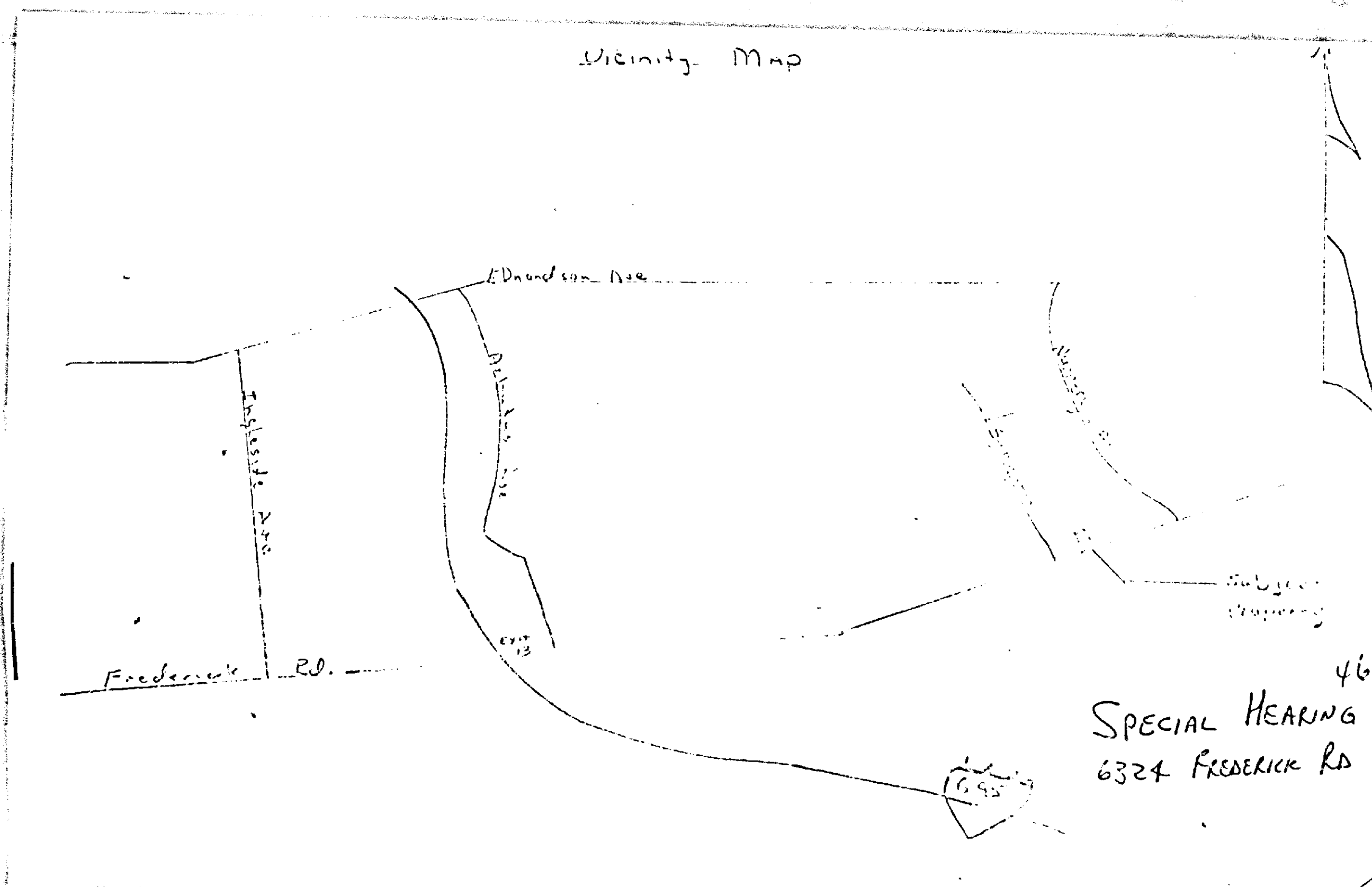
Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:slm

#87-650SPH 1st District
N/S Frederick Rd., 232.5' W of the W/S of Nunnery Ln.
(6324 Frederick Road)
Edgar V. Loweree, Jr., et al
1 SIGN

CPS-008

Vicinity Map



SPECIAL HEARING
6324 FREDERICK RD



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

March 5, 1987

Mr. Edgar V. Lowerre, Jr.
Mr. Miliard E. Gilbert, Jr.
Mr. John C. Gilbert
2415 North Rolling Road
Baltimore, Maryland 21207

RE: PETITION FOR SPECIAL HEARING
N/S Frederick Rd., 232.5' W from W/S of Nunery La.
(6324 Frederick Rd.)
1st Election District
Edgar V. Lowerre, Jr., et al - Petitioners
Case No. 87-65-SPH

Gentlemen:

On August 25, 1986, a hearing was held before me in connection with the above-entitled zoning matter, at which time, I continued the case to permit more time to obtain additional witnesses to testify regarding this matter. To date, I have not heard from either the Petitioners or the Protestants.

Please be advised that if I do not hear from either the Petitioners or the Protestants by Monday, April 6, 1987, I will dismiss this matter with prejudice.

Very truly yours,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:met

cc: Mr. Harold Einstein
6300 Frederick Road
Baltimore, Maryland 21228



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

June 24, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: John C. Gilbert, et al

Location: NS Frederick Rd., 235.5' W from WS of Nunery Lane

Item No.: 464

Zoning Agenda: Meeting of 6/24/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle load condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1978 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



Maryland Department of Transportation
State Highway Administration



William K. Holmann
Secretary
Hal Kasloff
Administrator

June 30, 1986

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. James Dyer

Dear Mr. Jablon:

On review of the submittal and field inspection, the State Highway Administration finds the non-conforming use status generally acceptable, with no direct vehicular access to Frederick Road - Route 144.

Very truly yours,

Charles L. ...
Charles L. ...
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogil

My telephone number is (301) 659-1350

Telecenter for Impaired Hearing or Speech
3837555 Baltimore Metro - 865-0453 DC Metro - 1-800-892-5882 Statewide Toll Free
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203-0717



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3350

STEPHEN E. COLLINS
DIRECTOR

July 2, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, and 467.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MEF:lt



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 13, 1986

Mr. John C. Gilbert
2415 North Rolling Road
Baltimore, Maryland 21207

RE: PETITION FOR SPECIAL HEARING
N/S Frederick Rd., 232.5' W from W/S of Nunery La.
(6324 Frederick Rd.)
1st Election District
Edgar V. Lowerre, Jr., et al - Petitioners
Case No. 87-65-SPH

Dear Mr. Gilbert:

Pursuant to our telephone conversation of August 8, 1986, this letter is to confirm the fact that the hearing time on Monday, August 25, 1986, has been changed from 12:00 noon to 3:00 p.m. Please advise the other individuals of this time change. Thank you.

Very truly yours,

Margaret E. du Bois
Margaret E. du Bois
Hearings Clerk
Zoning Office



BALTIMORE COUNTY
DEPARTMENT OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

July 22, 1986

RE: Zoning Advisory Meeting of JUNE 24, 1986
Item # 464
Property Owner: JOHN C. GILBERT, et al
Location: N/S Frederick Rd., 232.5' W from W/S of Nunery La.
WESTERN BLOCK OF NUNERY LA.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The right checked below are applicable.

- (X) There are site planning factors requiring comment.
- (X) A County Review Group meeting is required.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The agency is not satisfactory.
- () The record plat is not satisfactory.
- () The property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-93 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on 6/24/86.
- () Landscaping: Must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by Bill 173-79. No building permit may be issued until a Defective Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a deficient area controlled by a 10' level intersection as defined by Bill 173-79. No building permit may be issued until a Defective Capacity Use Certificate has been issued. The deficient service is _____.
- () Additional comments: _____

Exhibit A, Table

Chair, Current Planning and Development

cc: James Hywell



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

July 24, 1986

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 464, Zoning Advisory Committee Meeting are as follows:

Property Owner: John C. Gilbert, et al
Location: N/S Frederick Road, 232.5 feet westerly from WS of Nunery Lane 1st.

APPLICABLE ITEMS AND COMMENTS:

(X) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #11-85, the Maryland Code for the Handicapped and Aged (A.M.C. #12-1) and other applicable Code and Standards.

(X) A building and other miscellaneous permits shall be required before the start of any construction.

(X) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical sets.

(X) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Photographs shall be submitted.

(X) All the Group except B4 Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls above the 1st floor. For walls above the 1st floor, the exterior walls shall be constructed of masonry or concrete or other approved material. For walls above the 1st floor, the exterior walls shall be constructed of masonry or concrete or other approved material.

(X) The structure does not appear to comply with Table 505 for personnel height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 501 and 505 and have your Architect/Engineer contact this department.

(X) The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

(X) When filing for a permit under the Department Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The stamp of the Engineer or Architect shall be on the plans or in the field notes. See Section 317 of the Building Code.

(X) The proposed project appears to be located in a Flood Plain, Flood/Overflow. Please see the attached copy of Section 21-01 of the Building Code adopted by Bill #11-85. Site plans shall show the correct elevations above sea level for the lot and the Flood Plain levels indicated on the map.

(X) Comments: A minimum one hour tenant separation between living units is required. Each tenant shall have a separate and independent means of egress as required by the Building Code. Section 119.3 could be applicable. Also, Section 123.1 as amended by Bill #11-85 could be applicable. Smoke detectors are required.

(X) These abbreviated comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information or clarification from 123 of the County Office Building at 123 N. Chesapeake Avenue, Towson, Maryland 21204.

Mark E. ...
Mark E. ...
Building Plans Review

LJ:JVC

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 29, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Edgar V. Lowerre, Jr.
504 Seminole Avenue
Baltimore, Maryland 21228

RE: Item No. 464 - Case No. 87-65-SPH
Petitioners: Edgar V. Lowerre, Jr., et al
Petition for Special Hearing

Dear Mr. Lowerre:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Mr. John C. Gilbert
504 Seminole Avenue
Baltimore, Maryland 21228



HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401-1991



RECEIVED
AUG 15 1986
ZONING OFFICE

NANCY L. MURPHY
12TH LEGISLATIVE DISTRICT
BALTIMORE COUNTY
CATORVILLE, MARYLAND 21228-0108
TAYLOR
COMMITTEE
APPROPRIATIONS
SUBCOMMITTEE
LAW ENFORCEMENT AND TRANSPORTATION

August 13, 1986

Arnold Jablon, Zoning Commissioner
Rm. 109, County Office Bldg.
Towson, MD 21204

Ref: Case 87-65-SPH

Dear Arnold:

There apparently is some concern about the proper use of homes located in the 6300 block of Frederick Road. Many of these homes have been used as two-apartment dwellings for many years, at least prior to 1946.

I have specific knowledge about the property, known as 6324 Frederick Road, through my work as a Realtor. It was necessary, many years ago, to establish continuous use as two-apartments to satisfy the lender. When the property was sold and transferred, this information was provided as required. Unfortunately, it is difficult to trace people who become older and residents move away, it becomes increasingly more difficult. I happen to know about this situation personally, as I was involved in the sale some time ago.

Hopefully, this information will be of some interest. Please feel free to contact me if I can be of any assistance in this case.

Yours very truly,

Nancy L. Murphy
Nancy L. Murphy
Delegata
12th Legislative District

NLM:smd

APPEAL

Petition for Special Hearing
N/S of Frederick Road, 232.5' W of the W/S of Nunery Lane
(6324 Frederick Road)
1st Election District - 1st Councilmanic District
Edgar V. Loweree, Jr., et al - Petitioners
Case No. 87-65-SPH

Petition for Special Hearing
Description of Property
Certificates of Posting
Certificates of Publication
Entry of Appearance of People's Counsel
Zoning Plan Advisory Committee Comments
Director of Planning & Zoning Comments
Petitioner's Exhibits: 1 - Plat of Property
2 - Affidavit
3 - Letter from Delegate Nancy L. Murphy dated August 13, 1986
Zoning Commissioner's Order dated April 29, 1987
Letter of Appeal received June 1, 1987 from Mrs. Patricia A. Einstein

Mr. Edgar V. Loweree, Jr., Messrs. John C. & Millard E. Gilbert, Petitioners
2415 North Rolling Road, Baltimore, Md. 21207

Mrs. Patricia A. Einstein, Protestant, and Harold L. Einstein
6300 Frederick Avenue, Baltimore, Maryland 21204

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Maryland 21204
out - Referred to Law by PC 4-30-87

10/13/87
Zoning Commission
People's Counsel
for Baltimore County
Arnold Jablon
Zoning Commissioner

Request Notification: Norman E. Gerber, Director of Planning
James Howell, Office of Planning & Zoning
Arnold Jablon, Zoning Commissioner
Jean M. H. Jung, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Margaret E. Dubois, Pocket Clerk

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

June 1, 1987



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Special Hearing
N/S Frederick Road, 232.5' westerly from W/S of Nunery Lane
(6324 Frederick Road)
Edgar V. Loweree, Jr., et al - Petitioners
Case No. 87-65-SPH

Dear Board:

Please be advised that on June 1, 1987 an appeal of the decision rendered in the above-referenced case was filed by Mrs. Patricia A. Einstein.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:bjs

cc: Mr. Edgar V. Loweree, and Messrs. John C. & Millard E. Gilbert
2415 North Rolling Road, Baltimore, Md. 21207

Mrs. Patricia A. Einstein
6300 Frederick Avenue, Baltimore, Md. 21228

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223
Towson, Maryland 21204

File

IN RE: PETITION SPECIAL EXCEPTION * BEFORE THE
N/S of Frederick Road, 232.5' * ZONING COMMISSIONER
W of the W/S of Nunery Lane * OF BALTIMORE COUNTY
(6324 Frederick Road) *
1st Election District *
Edgar V. Loweree, Jr., et al., * Case No. 87-65-SPH
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request confirmation of a nonconforming use for a two-apartment dwelling, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Mr. and Mrs. Harold Einstein, neighbors, appeared in opposition.

The hearing was initially held on August 25, 1986, at which time the Petitioners were unable to present sufficient evidence to provide a basis to conclude that the two-apartment dwelling has existed from 1954 to the present without voluntary abandonment. The Petitioners presented an affidavit signed by Dennis W. McElgunn, Petitioners' Exhibit 2, which purported to establish the existence of the two apartments at the subject location from 1954 to 1965. Mr. Einstein testified that he moved to the neighborhood in 1965 and does not believe that the two apartments have existed continuously since that time.

The hearing was continued in order to allow the Petitioners time to gather additional evidence to prove their case. At the continued hearing on April 22, 1987, the Petitioners presented Mr. McElgunn, who testified that his family moved next door to the subject property, located on Frederick Road and zoned D.R.10.5, in or around November, 1953. He can personally attest that the original owner of the subject property converted the dwelling into two

ORDER RECEIVED FOR FILING
Date April 29, 1987
By [Signature]

ORDER RECEIVED FOR FILING
Date April 29, 1987
By [Signature]

- 2 -

apartments in early 1954 and that they continued uninterruptedly until he went into the military in 1965. His mother still lives there, and to the best of his knowledge, they have continued uninterruptedly during that time. The Petitioners purchased the property in 1983. At the time of the purchase, their realtor, Delegate Nancy L. Murphy, told them that she had sold this property years before as a two-apartment dwelling. See Petitioners' Exhibit 3.

Mr. Einstein testified that Mr. McElgunn's mother and others in the community had told him that the site had not always been a two-apartment dwelling. Additionally, Mrs. Einstein testified about the adverse impact multi-family dwellings have on a community but admitted she did not know whether or not the subject property had been used continuously as a two-apartment dwelling since moving to the neighborhood.

The Petitioners seek relief pursuant to Sections 104.1 and 500.7, Baltimore County Zoning Regulations (BCZR).

Although the testimony and evidence presented by the Petitioners were not overwhelming to say the least, the burden of proof necessary is preponderance of the evidence, not proof beyond a reasonable doubt. If one simply weighs the evidence presented, it is by the skin of the Petitioners' proverbial teeth that they will prevail here today. It would be Mr. McElgunn's personal testimony that tips the scales to that 51% necessary for preponderance of the total evidence and testimony presented in favor of the Petitioners. Scarce as it may be, it is enough for the Petitioners to prevail.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the approval prayed for should be granted.

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
N/S Frederick Rd., 232.5' :
Westerly from W/S of Nunery : OF BALTIMORE COUNTY
La. (6324 Frederick Rd.) :
1st District :
EDGAR V. LOWEEREE, JR., et al., : Case No. 87-65-SPH
Petitioners : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 31st day of July, 1986, a copy of the foregoing Entry of Appearance was mailed to Edgar V. Loweree, Jr., Millard E. Gilbert, Jr., and John C. Gilbert, Petitioners, 2415 N. Rolling Rd., Baltimore, MD 21228.

Peter Max Zimmerman
Peter Max Zimmerman

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION FOR SPECIAL HEARING
1st Election District
Case No. 87-65-SPH

LOCATION: North Side of Frederick Road, 232.5 feet Westerly from West Side of Nunery Lane (6324 Frederick Rd.)

DATE AND TIME: Monday, August 25, 1986, at 12:00 noon

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing for a nonconforming use for a two-apartment dwelling

Being the property of Edgar V. Loweree, Jr., et al., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 29th day of April, 1987, that a nonconforming use for a two-apartment dwelling be approved and, as such, the Petition for Special Hearing is hereby GRANTED from and after the date of this Order.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. Edgar V. Loweree, Jr.

Mr. & Mrs. Harold Einstein

People's Counsel

CERTIFICATE OF PUBLICATION

TOWSON, MD, August 7, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 7, 1986.

THE JEFFERSONIAN,

[Signature]

Publisher

Cost of Advertising

24.75

PETITION FOR
SPECIAL HEARING
1st Election District
Case No. 87-65-SPH
LOCATION: North Side of Frederick Road, 232.5 feet Westerly from West Side of Nunery Lane (6324 Frederick Rd.)
DATE AND TIME: Monday, August 25, 1986, at 12:00 noon
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Special Hearing for a nonconforming use for a two-apartment dwelling
Being the property of Edgar V. Loweree, Jr., et al., as shown on plat plan filed with the Zoning Office
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order of
ARNOLD JABLON
Zoning Commissioner
of Baltimore County
8015 Aug 7

ORDER RECEIVED FOR FILING
Date April 29, 1987
By [Signature]

June 12, 1986

Baltimore County
Zoning Enforcement Section
Towson, Md. 21204

Re: Case No. C-86-974
6324 Frederick Rd.
1st Election District

Dear Zoning Commissioner of Baltimore County:

I John C. Gilbert on behalf of myself and the owners of 6324 Frederick Rd. Catonsville, Md. 21228 are petitioning for a special hearing so as to obtain a non-conforming use for 2 apts. on said property. Apparently, the occupant of 6322 Frederick Rd. thought we were going to install a third apt. and called zoning. The inspector felt we were in violation for 2 apts. much less 3 apts. Mrs. List's son Dennis W. McElgunn recalled his childhood there and being active with the 2nd floor tenant's grandson. This was when they first purchased their house.

Sincerely,

[Signature]
John C. Gilbert

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Dennis W. McElginn
 (Handwritten Signature)
 Dennis W. McElginn
 649 Myers Dr. 21228
 AFFIANT (Printed Name)

I have personal knowledge that the home located at 6324 Frederick Rd. Catonsville Md. 21228
 (Address)
 has been occupied as a two apartment dwelling since December, 1953. I also have personal knowledge that all apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since Dec, 1953. This personal knowledge is based upon: My living at 6322 Frederick Rd for 12 yrs - (Nov 1953 - July 1965) with my parents.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
 I HEREBY CERTIFY, this 12 day of May, 1986, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Dennis W. McElginn, the Affiant, herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.
 AS WITNESS my hand and Notarial Seal.
Richard R. Baker
 (Handwritten Signature)
 NOTARY PUBLIC
 My Commission Expires: July 1, 1988

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

J.R.D. Carpenter
 (Handwritten Signature)
 J.R.D. CARPENTER
 AFFIANT (Printed Name)

I have personal knowledge that the home located at 6324 Frederick Rd. Catonsville Md. 21228
 (Address)
 has been occupied as a two apartment dwelling since April, 1977. I also have personal knowledge that all apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since April, 1977. This personal knowledge is based upon: I HAVE LIVED AND OWNED 6310 FREDERICK RD. CATONSVILLE MD 21228 SINCE APRIL 1977 AND HAVE PERSONAL KNOWLEDGE OF THE APARTMENTS.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
 I HEREBY CERTIFY, this 9th day of October, 1987, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared J.R.D. Carpenter, the Affiant, herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.
 AS WITNESS my hand and Notarial Seal.
John E. Shea
 (Handwritten Signature)
 NOTARY PUBLIC
 My Commission Expires: July 1, 1990

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Vera M. Mitchell
 (Handwritten Signature)
 VERA M. MITCHELL
 AFFIANT (Printed Name)

I have personal knowledge that the home located at 6324 Frederick Rd. Catonsville Maryland
 (Address)
 has been occupied as a two apartment dwelling since January, 1964. I also have personal knowledge that all apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since that time, 1964. This personal knowledge is based upon: my having lived in the same block since 1937 at 6304 Frederick Road, Catonsville, Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
 I HEREBY CERTIFY, this 9th day of October, 1987, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Vera M. Mitchell, the Affiant, herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.
 AS WITNESS my hand and Notarial Seal.
John E. Shea
 (Handwritten Signature)
 NOTARY PUBLIC
 My Commission Expires: July 1, 1990

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Betsy Lynn Carpenter
 (Handwritten Signature)
 Betsy Lynn Carpenter
 AFFIANT (Printed Name)

I have personal knowledge that the home located at 6324 Frederick Rd. Catonsville Md. 21228
 (Address)
 has been occupied as a two apartment dwelling since June, 78. I also have personal knowledge that all apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since June, 78. This personal knowledge is based upon: I purchased 6308 June 2, 1978 because it was already established as two apartments, as were many other houses on the block. I was aware that J.C. also had 2 apartments.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
 I HEREBY CERTIFY, this 13th day of October, 1987, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Betsy Lynn Carpenter, the Affiant, herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.
 AS WITNESS my hand and Notarial Seal.
John E. Shea
 (Handwritten Signature)
 NOTARY PUBLIC
 My Commission Expires: 7-1-90

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

John E. Shea
 (Handwritten Signature)
 John E. Shea
 AFFIANT (Printed Name)

I have personal knowledge that the home located at 6324 Frederick Rd. Catonsville Md.
 (Address)
 has been occupied as a two apartment dwelling since January, 65. I also have personal knowledge that all apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since January, 65. This personal knowledge is based upon: From cutting grass of properties 6320, 6322, 6324 and 6326 plus snow removal I believe that 6324 has always been two apartments. I also have lived at 6304 Frederick Rd for 32 years

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
 I HEREBY CERTIFY, this 12th day of October, 1987, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared John E. Shea, the Affiant, herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.
 AS WITNESS my hand and Notarial Seal.
John E. Shea
 (Handwritten Signature)
 NOTARY PUBLIC
 My Commission Expires: July 1, 1990

PATUXENT Publishing Corp

August 18 19 86

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR SPECIAL EXCEPTION

was inserted in the following:
 ☐ Catonsville Times
 ☐ Arbutus Times
 weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 3 day of August 19 86, that is to say, the same was inserted in the issues of

August 7, 1986

PATUXENT PUBLISHING CORP.

By [Signature]

IN THE CIRCUIT COURT
 FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

VS.

Defendant

CERTIFICATE OF PUBLICATION OF



ARNOLD JADLON
 ZONING COMMISSIONER

Mr. John C. Gilbert
 2415 North Rolling Road
 Baltimore, Maryland 21207

RE: PETITION FOR SPECIAL HEARING
 N/S Frederick Rd., 232.5' W from W/S of Nunery
 La. (6324 Frederick Rd.)
 1st Election District - 1st Councilmanic District
 Edgar V. Loweree, Jr., et al - Petitioners
 Case No. 87-65-SPH

Dear Mr. Gilbert:

This is to advise you that \$15.00 is due for ~~XXXXXX~~ posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
 Arnold Jadlon
 Zoning Commissioner

AJ:med

Mr. Edgar V. Loweree, Jr.
 Mr. Millard E. Gilbert, Jr.
 Mr. John C. Gilbert
 2415 North Rolling Road
 Baltimore, Maryland 21207

April 6, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
 N/S Frederick Rd., 232.5' W from W/S of Nunery
 La. (6324 Frederick Rd.)
 1st Election District - 1st Councilmanic District
 Edgar V. Loweree, Jr., et al. - Petitioners
 Case No. 87-65-SPH

TIME: 11:15 a.m.

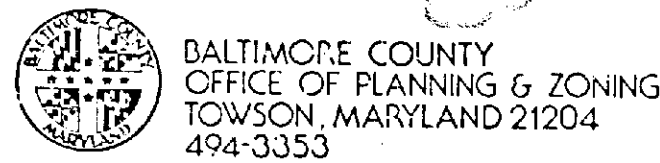
DATE: Wednesday, April 22, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
 Zoning Commissioner
 of Baltimore County

AJ:med

cc: Mr. Harold Einstein
 6300 Frederick Road
 Baltimore, Maryland 21228



ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 20, 1986

Mr. John C. Gilbert
2415 North Rolling Road
Baltimore, Maryland 21207

RE: PETITION FOR SPECIAL HEARING
N/S Frederick Rd., 232.5' W from W/S of
Nunnery Ln. (6324 Frederick Rd.)
1st Election District
Edgar V. Loweree, Jr., et al - Petitioners
Case No. 87-65-SPH

Dear Mr. Gilbert:

This is to advise you that \$59.65 is due for advertisin
and posting of the above property. This fee must be paid before an
Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON
THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by
this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit
to Zoning Office, Room 113, County Office Building, Towson, Maryland
11204, before the hearing.

Sincerely,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ:med

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 21204

DATE	8/20/86	ACCOUNT	101-615-000
AMOUNT	\$ 59.65		
RECEIVED FROM	Edgar V. Loweree, Jr., et al		
FOR	Advertising and Posting Case 87-65-SPH		
VALIDATION OR SIGNATURE OF CASHIER			

Mr. Edgar V. Loweree, Jr.
Mr. Willard E. Gilbert, Jr.
Mr. John C. Gilbert
2415 North Rolling Road
Baltimore, Maryland 21207

July 18, 1986

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
N/S Frederick Rd., 232.5' Westery
from W/S of Nunnery Ln.
(6324 Frederick Rd.)
1st Election District
Edgar V. Loweree, Jr., et al
Case No. 87-65-SPH

TIME: 12:00 noon - 3:00 P.M.

DATE: Monday, August 25, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

Arnold Jablon
Zoning Commissioner
of Baltimore County

AJ:med

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE-REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	No. 020849
DATE 6/13/86	ACCOUNT 01-615
AMOUNT \$ 100.00	
RECEIVED FROM JOHN GILBERT	
FOR SPECIAL HEARING PETITION	
VALIDATION OR SIGNATURE OF CASHIER	

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

LIGEPG 482 743277

This Deed, Made This

in the year one thousand nine hundred and EIGHTY-THREE day of
SHAN M. BRADLEY, of the State of Maryland, and SUE R. BRADLEY, of the State of
Florida, parties of the FIRST PART, and ELSIE LERNER, Administrator of the Estate
of DANIEL S. LERNER, of the State of New York, party of the SECOND PART,
JOHN C. GILBERT, WILLARD E. GILBERT and EDGAR V. LOWEEREE, JR.
THIRD
of the PART.

Witnesseth, That in consideration of the sum of FORTY SEVEN THOUSAND AND 00/100
(\$47,000.00) DOLLARS,

the said PARTIES OF THE FIRST PART AND PARTY OF THE SECOND PART

do grant and convey to the said PARTIES OF THE THIRD PART, AS TENANTS IN COMMON,
THEIR HEIRS,

personal representatives, and assigns, in fee simple, all
THAT lot of ground situate in BALTIMORE COUNTY, STATE OF MARYLAND
and described as follows, that is to say:

BEGINNING for the same on the north side of Frederick Road at the distance of two
hundred thirty-two feet, six inches westerly from the west side of Nunnery Lane,
and at the centre of the partition wall there situate; and running thence west binding
on the north side of Frederick Road fifteen feet six inches to the centre of the
partition wall there situate; thence north and through the centre of said last
mentioned wall one hundred fifteen feet to the south side of a fifteen foot alley
there situate; thence east binding on the south side of said fifteen foot alley,
with the use thereof in common, fifteen feet six inches; thence south and through
the centre of the partition wall first herein mentioned one hundred fifteen feet
to the place of beginning. The improvements thereon being known as No. 6324
Frederick Avenue.

BEING the same property which by Deed dated June 13, 1975 and recorded among the
Land Records of Baltimore County in Liber 5538, folio 259 was granted and conveyed
by Marguerite Lackey (formerly known as Wenonah Marguerite Reinhardt) unto
Shan M. Bradley, Sue R. Bradley and Daniel S. Lerner. The said Daniel S. Lerner
has since departed this life on or about the 27 day of October, 1977.
See Estate No. 202655 filed in the records of the Surrogate's Court in and for the
County of Nassau, State of New York, wherein Elsie Lerner was appointed Administrator
of the Estate of Daniel S. Lerner.

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
1/26/83
DATE

8 8080*****70500** 22624

To: Arnold Jablon
Zoning Commissioner
Baltimore County

We would like to appeal Case No. 87-65-SPH,
Edgar V. Loweree, Petitioner, 6324 Frederick Rd.

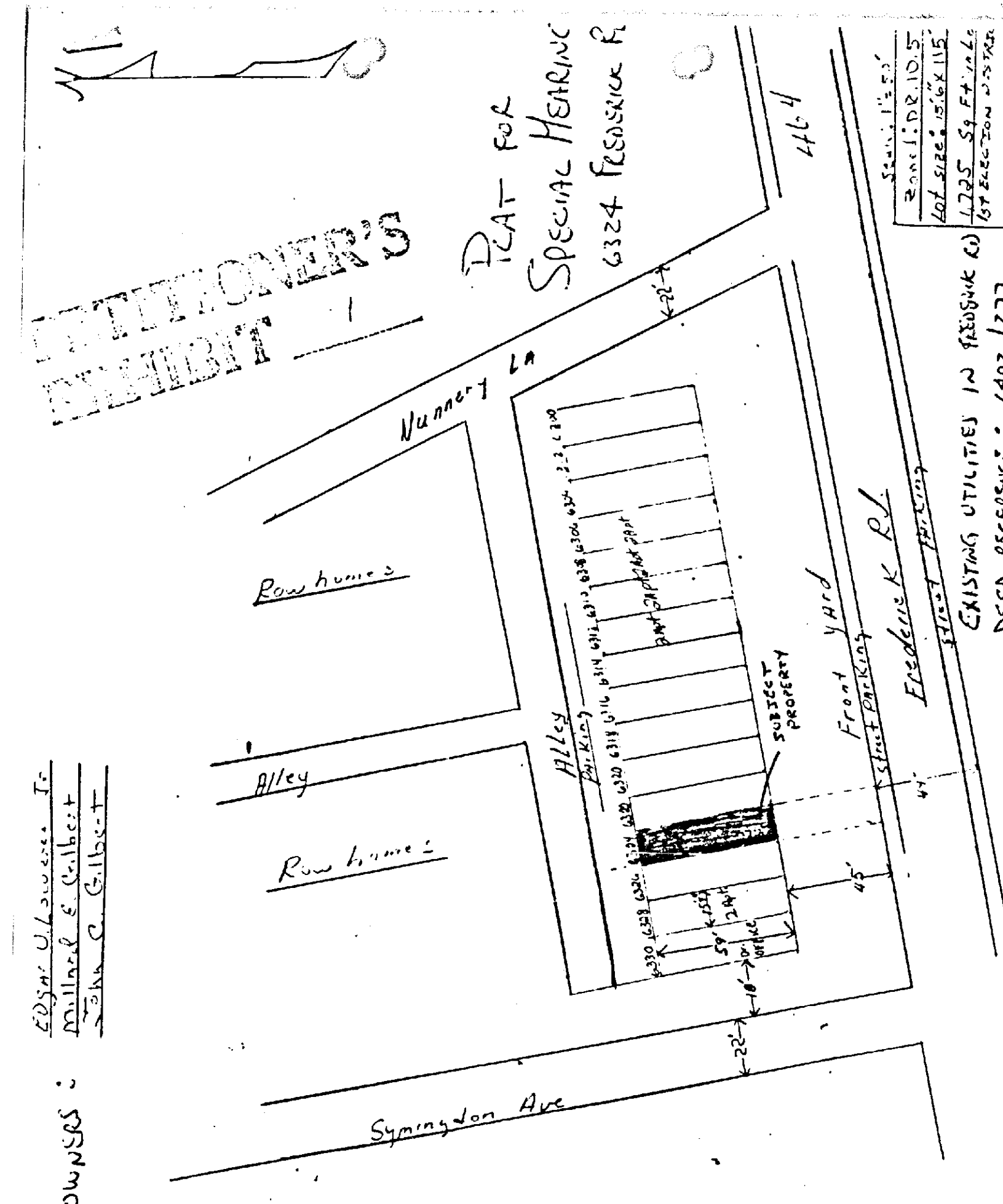
Harold L. Epstein
Patricia A. Epstein
6300 Frederick Rd.
Baltimore, Md. 21228

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 33137

DATE 5/1/87	ACCOUNT 101-615-000
AMOUNT \$ 20.00	
RECEIVED FROM Patricia A. Epstein, 6300 Frederick Rd., Baltimore, Md. 21228 (photostat)	
FOR Arnold Jablon & Patricia A. Epstein Case #87-65-SPH	
VALIDATION OR SIGNATURE OF CASHIER	

PETITIONER'S EXHIBIT



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 87-65-SPH, 87-67-SPH and 87-72-SPH

In view of the subject of these petitions, this office offers no
comments.

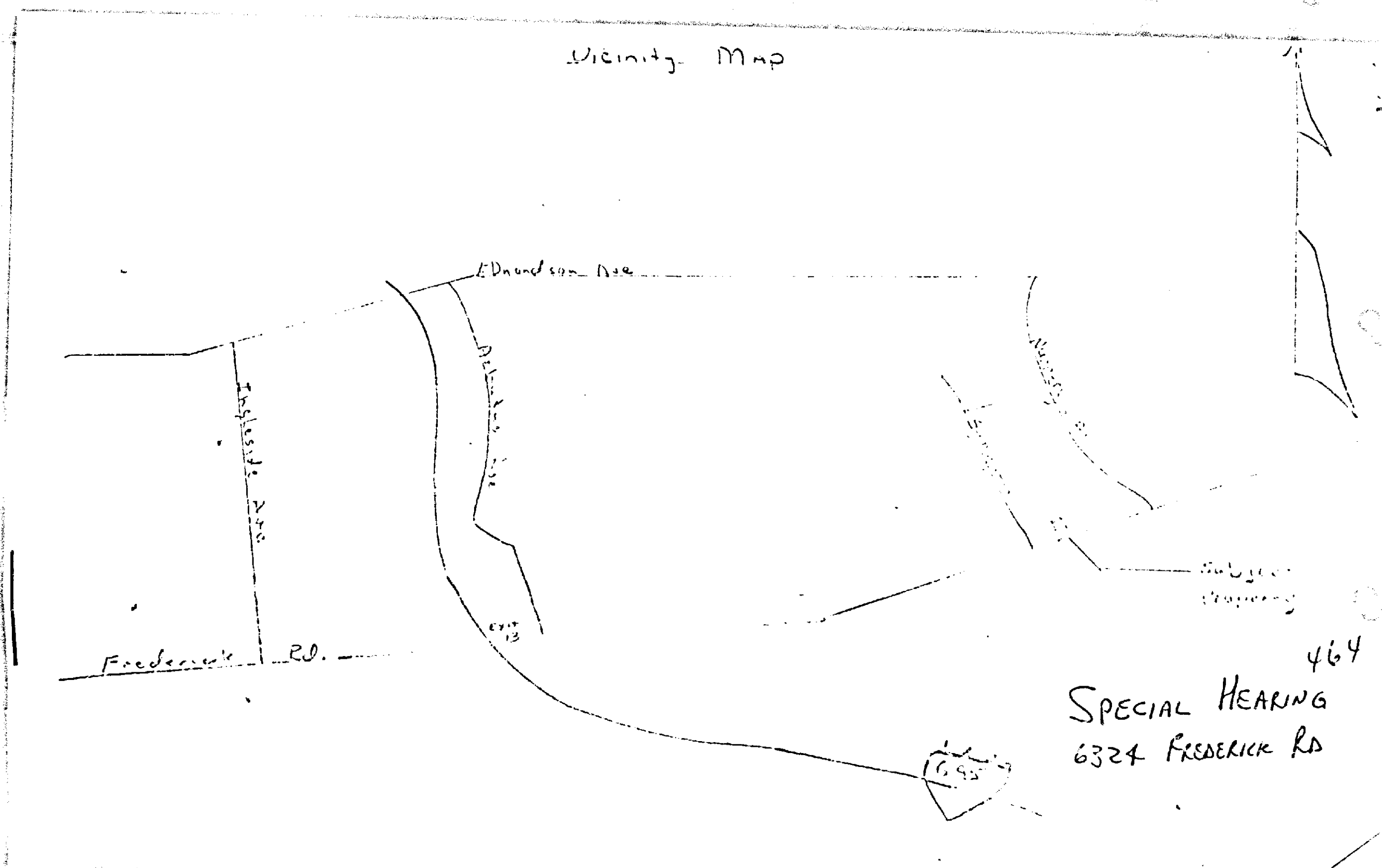
Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:slm

#87-650SPH 1st District
N/S Frederick Rd., 232.5' W of the W/S of Nunnery Ln.
(6324 Frederick Road)
Edgar V. Loweree, Jr., et al
1 SIGN

CPS-008

Vicinity Map



SPECIAL HEARING
6324 FREDERICK RD



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

March 5, 1987

Mr. Edgar V. Lowerre, Jr.
Mr. Miliard E. Gilbert, Jr.
Mr. John C. Gilbert
2415 North Rolling Road
Baltimore, Maryland 21207

RE: PETITION FOR SPECIAL HEARING
N/S Frederick Rd., 232.5' W from W/S of Nunery La.
(6324 Frederick Rd.)
1st Election District
Edgar V. Lowerre, Jr., et al - Petitioners
Case No. 87-65-SPH

Gentlemen:

On August 25, 1986, a hearing was held before me in connection with the above-entitled zoning matter, at which time, I continued the case to permit more time to obtain additional witnesses to testify regarding this matter. To date, I have not heard from either the Petitioners or the Protestants.

Please be advised that if I do not hear from either the Petitioners or the Protestants by Monday, April 6, 1987, I will dismiss this matter with prejudice.

Very truly yours,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:met

cc: Mr. Harold Einstein
6300 Frederick Road
Baltimore, Maryland 21228



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

June 24, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: John C. Gilbert, et al

Location: NS Frederick Rd., 235.5' W from WS of Nunery Lane

Item No.: 464

Zoning Agenda: Meeting of 6/24/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle load condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1978 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comment at this time.

REVIEWED: *John F. O'Neill*
Noted and Approved: _____
Planning Group
Special Inspection Division

/mb



Maryland Department of Transportation
State Highway Administration



William K. Holman
Secretary
Hal Kassoff
Administrator

June 30, 1986

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. James Dyer

Dear Mr. Jablon:

On review of the submittal and field inspection, the State Highway Administration finds the non-conforming use status generally acceptable, with no direct vehicular access to Frederick Road - Route 144.

Very truly yours,

Charles L. ...
Charles L. ...
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogil

My telephone number is (301) 659-1350

Telecenter for Impaired Hearing or Speech
3837555 Baltimore Metro - 865-0453 DC Metro - 1-800-892-5682 Statewide Toll Free
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203-0717



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3350

STEPHEN E. COLLINS
DIRECTOR

July 2, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 456, 457, 458, 459, 460, 461, 464, 465, and 467.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MEF:lt



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 13, 1986

Mr. John C. Gilbert
2415 North Rolling Road
Baltimore, Maryland 21207

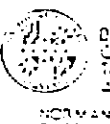
RE: PETITION FOR SPECIAL HEARING
N/S Frederick Rd., 232.5' W from W/S of Nunery La.
(6324 Frederick Rd.)
1st Election District
Edgar V. Lowerre, Jr., et al - Petitioners
Case No. 87-65-SPH

Dear Mr. Gilbert:

Pursuant to our telephone conversation of August 8, 1986, this letter is to confirm the fact that the hearing time on Monday, August 25, 1986, has been changed from 12:00 noon to 3:00 p.m. Please advise the other individuals of this time change. Thank you.

Very truly yours,

Margaret E. du Bois
Margaret E. du Bois
Hearings Clerk
Zoning Office



BALTIMORE COUNTY
DEPARTMENT OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

JULY 22, 1986

RE: Zoning Advisory Meeting of JUNE 24, 1986
Item # 464
Property Owner: JOHN C. GILBERT, et al
Location: N/S Frederick Rd., 232.5' W from W/S of Nunery La.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The right checked below are applicable:

- (X) There are site planning factors requiring comment.
- (X) A County Review Group meeting is required.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The agency is not satisfactory.
- () The record plat is not satisfactory.
- () The property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-93 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () Landscaping: Must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by Bill 173-79. No building permit may be issued until a Deficient Service Certificate has been issued. The deficient service is _____.
- () The property is located in a deficient area controlled by a 10' level intersection as defined by Bill 173-79. No building permit may be issued until a Deficient Service Certificate has been issued. The deficient service is _____.
- () Additional comments: _____

Exhibit A, Table

City, Current Planning and Development

cc: James Hywell



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

July 24, 1986

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 464, Zoning Advisory Committee Meeting are as follows:

Property Owner: John C. Gilbert, et al
Location: N/S Frederick Road, 232.5 feet westerly from WS of Nunery Lane 1st.

APPLICABLE ITEMS AND COMMENTS:

(X) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #11-85, the Maryland Code for the Handicapped and Aged (A.M.C. #12-11 - 1985) and other applicable Code and Standards.

(X) A building and other miscellaneous permits shall be required before the start of any construction.

(X) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical sets.

(X) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Photographs shall be submitted.

(X) All the Group except B4 Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls above the 1st floor. For walls above the 1st floor, the exterior walls shall be constructed of masonry or concrete or other approved material. For walls above the 1st floor, the exterior walls shall be constructed of masonry or concrete or other approved material.

(X) The structure does not appear to comply with Table 505 for personnel height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 501 and 505 and have your Architect/Engineer contact this department.

(X) The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

(X) When filing for a permit under the Department Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The stamp of the Engineer or Architect shall be on the plans or in the field notes. See Section 317 of the Building Code.

(X) The proposed project appears to be located in a Flood Plain, Flood/Overflow. Please see the attached copy of Section 21-01 of the Building Code adopted by Bill #11-85. Site plans shall show the correct elevations above sea level for the lot and the Flood Plain levels indicated on the map.

(X) Comments: A minimum one hour tenant separation between living units is required. Each tenant shall have a separate and independent means of egress as required by the Building Code. Section 119.3 could be applicable. Also, Section 123.1 as amended by Bill #11-85 could be applicable. Smoke detectors are required.

(X) These abbreviated comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information or clarification from 123 of the County Office Building at 123 N. Chesapeake Avenue, Towson, Maryland 21204.

Mark E. ...
Mark E. ...
Building Plans Review

LJ:JVC

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 29, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Edgar V. Lowerre, Jr.
504 Seminole Avenue
Baltimore, Maryland 21228

RE: Item No. 464 - Case No. 87-65-SPH
Petitioners: Edgar V. Lowerre, Jr., et al
Petition for Special Hearing

Dear Mr. Lowerre:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Mr. John C. Gilbert
504 Seminole Avenue
Baltimore, Maryland 21228



HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401-1991



ZONING OFFICE

NANCY L. MURPHY
12TH LEGISLATIVE DISTRICT
BALTIMORE COUNTY
CATCHPOLE AVENUE
TAYLOR
COMMUNITY
APPROPRIATIONS
SUBCOMMITTEE
LAW ENFORCEMENT AND TRANSPORTATION

August 13, 1986

Arnold Jablon, Zoning Commissioner
Rm. 109, County Office Bldg.
Towson, MD 21204

Ref: Case 87-65-SPH

Dear Arnold:

There apparently is some concern about the proper use of homes located in the 6300 block of Frederick Road. Many of these homes have been used as two-apartment dwellings for many years, at least prior to 1946.

I have specific knowledge about the property, known as 6324 Frederick Road, through my work as a Realtor. It was necessary, many years ago, to establish continuous use as two-apartments to satisfy the lender. When the property was sold and transferred, this information was provided as required. Unfortunately, it is difficult to trace people who become older and residents move away, it becomes increasingly more difficult. I happen to know about this situation personally, as I was involved in the sale some time ago.

Hopefully, this information will be of some interest. Please feel free to contact me if I can be of any assistance in this case.

Yours very truly,

Nancy L. Murphy
Nancy L. Murphy
Delegates
12th Legislative District

NLM:smd